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ON PETITION

In re Application of
Tommaso Innocenti
Application No. 09/866,652
Filed: May 30, 2001
Title: Online Auction System Facilitating
Flexible Terms Commodity Trading

This is a decision on the petition under 37 CFR §1.137(a), filed August 20, 2007. This petition is being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

The petition to withdraw the holding of abandonment is **GRANTED**.

This above-identified application was held abandoned for failure to timely file a reply to the decision by the Board of Appeals and Interferences rendered on February 23, 2007. The Board decision provided a two (2) month statutory period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were available. Accordingly, this application was held abandoned on April 24 2007. A Notice of Abandonment was mailed on July 6, 2007.¹

In the present petition, petitioner contends the a timely appropriate reply was submitted on April 23, 2007.

A review of the Board's decision shows that a new ground of rejection was made. Pursuant to 37 CFR 41.50 when the Board makes a new ground of rejection, the appellant, within two months from the date of the decision, must exercise one of the following two options with respect to the new ground of rejection to avoid termination of the appeal as to the rejected claims reopen prosecution or request a rehearing.

¹The Notice of Abandonment states that application was abandoned because the period for seeking court review of the Board decision has expired and there are no allowed claims.

The reply submitted two months from the Board decision on April 23, 2007 included a request for reopening prosecution and amendment.

In light of the grantable petition under 37 CFR 1.181 (no fee), the petition under 37 CFR 1.137(a) is dismissed as moot and the petition fee will be refunded.

The Notice of Abandonment is hereby withdrawn and the application is restored to pending status.

The application is being forwarded to the Art Unit 3691 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with the first name "Charlema" being more prominent than the last name "Grant".

Charlema R. Grant
Petitions Attorney
Office of Petitions